

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, JULY 15, 2015

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. June 3, 2015 Council Meeting
2. June 17, 2015 Council Meeting
3. June 17, 2015 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2015-187](#) Communication (06/15/2015) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Requesting The State Of Hawai'i To Rename Kapule Highway As The Kaua'i Veterans Memorial Kapule Highway. ***(See Resolution No. 2015-51)***
2. [C 2015-188](#) Communication (06/16/2015) from the County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kaua'i, for Fiscal Year 2015-2016, by revising the amounts estimated in the General Fund and Sewer Fund. *(Kaua'i Lagoons Resort Wastewater Treatment Capacity Assessment Refund - \$758,550)* ***(See Proposed Draft Bill (No. 2591))***
3. [C 2015-189](#) Communication (06/25/2015) from the Director of Planning, transmitting the Planning Commission's recommendation that Proposed Draft Bill (No. 2498), relating to amending Chapter 8, Kaua'i County Code 1987, as amended, to remove disincentives for commercial developments to provide bus facilities, including bus turnouts and shelter at bus stops, be received for the record. *(Copies of the Director's Report (and accompanying draft ordinance), Agency Comments, Minutes of the November 12, 2013 and May 12, 2015 Planning Commission Meetings on file in the County Clerk's Office.)* ***(See Proposed Draft Bill (No. 2498))***

4. [C 2015-190](#) Communication (06/25/2015) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to allow farm worker housing permits to be issued to farmers whose condominium property regime declarations have been amended after August 16, 2010. *(Copies of the Proposed Draft Bill, Director's Report, and Minutes of the April 14, 2015 Planning Commission's Meeting on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2459))*
5. [C 2015-191](#) Communication (06/25/2015) from the Director of Finance, transmitting for Council information, the Period 11 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of May 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015. *(Copies of the Period 11 Financial Reports as of May 31, 2015 on file in the County Clerk's Office.)*
6. [C 2015-192](#) Communication (06/26/2015) from Council Vice Chair Kagawa, transmitting for Council consideration, a Resolution Proposing A Charter Amendment Relating To Term Limits For Councilmembers. *(See Resolution No. 2015-52)*
7. [C 2015-193](#) Communication (06/26/2015) from the Director of Finance, transmitting for Council consideration, proposed amendments to Section 2, Ordinance No. 891, relating to Authorizing the Issuance of General Obligation Bonds of the County of Kaua'i for the Purpose of Financing Certain Bonds of the County; Fixing or Authorizing the Fixing of the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale of Such Bonds to the Public. *(See Proposed Draft Bill (No. 2592))*
8. [C 2015-194](#) Communication (06/29/2015) from the Director of Finance, transmitting for Council information, the Statement of the Condition of the County Treasury quarterly report as of May 8, 2015.

F. COMMUNICATIONS:

1. [C 2015-195](#) Communication (06/24/2015) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$34,952, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2015 Local Solicitation Grant to be used towards funding one (1) full-time equivalent (FTE) Process Server for the Office of the Prosecuting Attorney, purchase office supplies, and allow Officers of the Kaua'i Police Department the ability to attend training sessions. The grant will commence on October 1, 2015 through September 30, 2018.
2. [C 2015-196](#) Communication (06/26/2015) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify the United States Department of Housing and Urban Development (HUD) for the continuation of the Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinator Specialist II position in the amount of \$69,000 and the HCVFSS Coordinator I position in the amount of \$64,000. The purpose of the program is to enable participating low-income families to increase their earned income, reduce or eliminate the need for welfare assistance and rental subsidies, and make progress toward economic independence and self-sufficiency.
3. [C 2015-197](#) Communication (07/06/2015) from Council Chair Rapozo, requesting the presence of the Managing Director, to discuss the Administration's efforts to address the issue of homelessness on Kaua'i.

G. CLAIMS:

1. [C 2015-198](#) Communication (06/30/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Barbara M. Goodwin, for damages to her vehicle.
2. [C 2015-199](#) Communication (07/01/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Eileen Shavelson, for violation of her civil rights.

H. COMMITTEE REPORTS:1. PUBLIC SAFETY COMMITTEE:**a. CR-PS 2015-04:** on Bill No. 2589

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, SECTIONS 13.1 AND 13.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE RECOVERY OF RESCUE EXPENSES **[Approved.]**

2. COMMITTEE OF THE WHOLE:**a. CR-COW 2015-08:** on COW 2015-02

Communication (06/29/2015) from the Council Chair, requesting the presence of the Managing Director, the Office of the County Auditor, and the County's external audit consultant to discuss the following:

- Audit of County Hiring Practices
 - Audit of County Payroll System
- [Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2015-51](#) – RESOLUTION REQUESTING THE STATE OF HAWAII TO RENAME KAPULE HIGHWAY AS THE KAUAI VETERANS MEMORIAL KAPULE HIGHWAY

2. [Resolution No. 2015-52](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2459\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Special Standards For Issuance Of Farm Worker Housing Use Permits*) (***Referred to the Planning Commission for recommendation and report back to the Council on November 14, 2012.***)

2. [Proposed Draft Bill \(No. 2498\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS STOPS FOR COMMERCIAL DEVELOPMENT (*Kauai County Council, Applicant*) (***Referred to the Planning Commission on August 28, 2013.***)

3. [Proposed Draft Bill \(No. 2591\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SEWER FUND (*Kaua'i Lagoons Resort Wastewater Treatment Capacity Assessment Refund - \$758,550*)

4. [Proposed Draft Bill \(No. 2592\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC

K. BILL FOR SECOND READING:

1. [Bill No. 2589](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, SECTIONS 13.1 AND 13.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE RECOVERY OF RESCUE EXPENSES (*See also CR-PS 2015-04; the Public Safety Committee recommended approval on second and final reading.*)

L. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-808 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council's legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval of proposed settlement of a workers' compensation claim. This deliberation and/or decision making involves matters that require the consideration of information that must be kept confidential as, *inter alia*, it concerns significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, or evaluation, and which, pursuant to state or federal law, including Health Insurance Portability and Accountability Act, are protected from disclosure.

2. ES-809 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(e), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council to provide the Council with a briefing regarding the claim against the County by Advantage Rent A Car, for damage to their vehicle, and previously on the Council's agenda as C 2015-182, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. [Bill No. 2590](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 25, RELATING TO BARKING DOGS
- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.